

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DISTRICT**

---

KATRINA MACKLEY, as next of friend  
for E.M., a minor,

Plaintiff,

-vs-

Case No. 1:24-cv-00076  
Honorable Robert J. Jonker

MASON PUBLIC SCHOOL DISTRICT;  
LANCE DELBRIDGE; NICHOLAS TOODZIO;  
BARB BYRUM and BRAD DELANEY, individually,

Defendants.

---

Brandon T. Wolfe (P82421)  
**WOLFE TRIAL LAWYERS, PLLC**  
2844 Livernois Rd., Suite 276  
Troy, Michigan 48099  
Ph: (313) 450-2015  
[brandon@hirethewolfe.com](mailto:brandon@hirethewolfe.com)

Uriel B. Abt (P84350)  
LAW OFFICE OF URI ABT PLLC  
Attorney for Defendants Barb Byrum  
and Brad Delaney  
517 Wildwood Drive  
East Lansing, MI 48823  
(517) 858-9410  
Email: [uri@abtlawfirm.com](mailto:uri@abtlawfirm.com)

---

Mark T. Ostrowski (P49761)  
Jessica M. Stark-Flechsig (P80647)  
Kyle J. Zielinski (P83962)  
KLUCZYNSKI GIRTZ & VOGELZANG  
Attorneys for Defendants Mason PS District,  
Lance Delbridge, and Nicholas Toodzio  
Grand Rapids, MI 49546  
(616) 559-8649  
Email: [marko@kgvlaw.com](mailto:marko@kgvlaw.com)  
Email: [jesstark@kgvlaw.com](mailto:jesstark@kgvlaw.com)  
Email: [kzielinski@kgvlaw.com](mailto:kzielinski@kgvlaw.com)

Michael J. Nichols (P59391)  
Attorney for Def Byrum and Delaney  
3452 E. Lake Lansing Road  
East Lansing, MI 48823  
(517) 432-9000  
Email: [mnichols@nicholslaw.net](mailto:mnichols@nicholslaw.net)

---

**DEFENDANTS MASON PUBLIC SCHOOL DISTRICT, LANCE DELBRIDGE AND  
NICHOLAS TOODZIO'S  
RULE 12(b)(6) MOTION TO DISMISS**

Defendants Mason Public School District, Lance Delbridge and Nicholas Toodzio (Defendants) hereby move, pursuant to Federal Rule of Civil Procedure 12(b)(6) and for the reasons set forth in their accompanying brief, for dismissal of Counts I, II, III, V and VI of the First Amended Complaint as against them with prejudice. Counsel for Defendants sought Plaintiff's concurrence in this motion pursuant to Local Rule 7.1(d)(i). Plaintiff intends to oppose this motion.

KLUCZYNSKI, GIRTZ & VOGELZANG

Date: March 6, 2024

By: /s/ Mark T. Ostrowski

Mark T. Ostrowski (P49761)  
Kyle J. Zielinski (P83962)  
Attorneys for Defendants  
3033 Orchard Vista Dr SE, Suite 308  
Grand Rapids, MI 49546  
(616) 559-864